

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KEITH MANNING SHORT,

Plaintiff,

v.

STEVE SISOLAK, *et al.*,

Defendants.

Case No. 3:20-cv-00098-MMD-CLB

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
CARLA L. BALDWIN

Plaintiff Keith Manning Short brings this case pursuant to 42 U.S.C. § 1983 against Defendants Nevada Governor Steve Sisolak, Nevada Attorney General Aaron Ford, Deputy District Attorney Potter, and District Court Judge Egan Walker. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin concerning Short’s application to proceed *in forma pauperis* (“IFP Application”) (ECF No. 4) and *pro se* civil rights complaint (“Complaint”) (ECF No. 1-1). (ECF No. 6.) Short had until July 8, 2020, to file an objection to the R&R but has not done so. The Court will accept and adopt the R&R in full.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

1 Because there is no objection, the Court need not conduct de novo review and is
2 satisfied that there is no clear error. Here, Judge Baldwin recommends granting the IFP
3 Application due to Short's inability to pay the filing fee. (*Id.* at 2.) Substantively, she
4 recommends that the Court dismiss the claims and Defendants *with prejudice* because
5 amendment would be futile. (*Id.* at 4–5.) Judge Baldwin specifically concluded that the
6 claims are barred under *Heck v. Humphrey*, 512 U.S. 477, 48 (1994). (*Id.* at 4.) She
7 separately found that each Defendant should be dismissed because Short fails to make
8 allegations against some Defendants—Sisolak and Ford—while others are immune from
9 suit—Potter and Walker. (*Id.* at 4–5.) Having reviewed the Complaint, the Court agrees
10 with Judge Baldwin's recommendations and will adopt the R&R in full.

11 It is therefore ordered, adjudged, and decreed that the Report and
12 Recommendation of Magistrate Judge Carla L. Baldwin (ECF No. 6) is accepted and
13 adopted in its entirety.

14 It is further order that the IFP Application (ECF No. 4) is granted.

15 It is further ordered that the Clerk of the Court file the Complaint (ECF No. 1-1).

16 It is further ordered that the Complaint is dismissed with prejudice and without leave
17 to amend for the reasons stated herein.

18 It is further ordered that the Clerk enter judgment accordingly and close this case.

19 DATED THIS 13th day of July 2020.

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22 MIRANDA M. DU
23 CHIEF UNITED STATES DISTRICT JUDGE
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